

## **David Davis: United States Supreme Court Justice**

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David Davis was a very important man in politics. He was born on March 9, 1815, in Sassafras Neck, Maryland. He went to Yale Law School in 1835. He was in the Illinois House of Representatives, 1845-1847; Illinois Constitutional Convention, 1847; and an Illinois circuit court judge. In 1860, he was Abraham Lincoln's campaign manager when Lincoln ran for the presidency of the United States of America.

David Davis was appointed the associate justice of the United States Supreme Court by Abraham Lincoln, but Davis retained his appetite for partisan politics. He supported Lincoln on many issues while in the United States Supreme Court. But they also disagreed regarding the military trial of civilians and the Emancipation Proclamation. Davis urged Lincoln to withdraw the Emancipation Proclamation because Davis believed that the Emancipation Proclamation would only increase southern resistance and border state hostility toward the Union.

David Davis agreed and disagreed with many of Lincoln's issues. A very important issue when David Davis was the associate justice of the United States Supreme Court was a case entitled *Ex parte Milligan*. It decided that civilians tried by military commissions were unconstitutional. Davis, joined by the four Democrats on the bench, added that Congress could not authorize such commissions. This caused sharp dissent by Chief Justice Salmon P. Chase and the other three Republicans. It meant that a military court in Indiana created by the order of the President, illegally convicted a man for the

crime of aiding the Confederate States during the Civil War. David Davis said that Indiana had not been a war zone. Also, the civilian courts had remained open. Davis concluded that the Constitution could not be suspended in a national crisis, including a civil war.

While still on the bench, Davis was nominated for president by the Labor Reform Party. Davis sought to employ this nomination to gather support for his candidacy from the Liberal Republicans who, like Davis, were opposed to Ulysses Grant. Davis did not really enjoy his work on the Court. He found the appellate bench disagreeable for the hard study and the labor it required. There were no bright young clerks to assist the justices when Davis sat.

While still a justice, Davis in 1872 accepted the presidential nomination of the Labor Reform Party as a stepping stone to securing the nomination of the Liberal Republican Party. When the party instead nominated Hoarce Greeley, Davis withdrew as the Labor candidate. He then drifted closer to the Democrats, who expected him to cast the decisive vote for Samuel J. Tilden on the Electoral Commission of 1877. Davis tired of the Court and was elected to the Senate by Illinois legislature in 1877. As one commentator remarked of Davis' career on the Court: Davis wrote nothing but that stirring and ultimately disappointing opinion against military trials in *Ex parte Milligan*; it is surprising only that it took him so long to discover that he would really be better off in the Senate. He served one term in the Senate, the last two years as president pro tem. Upon his retirement in 1883, Davis returned to Bloomington, Illinois.

In conclusion, David Davis was an important man in politics. Davis also was a friend of Abraham Lincoln. [From Michael Conzen, *The WPA Guide to Illinois*; David Davis, *David Davis*, <<http://www.lib.niu.edu/ipo/ihy010232.html>> (Nov. 5, 2004); David Davis, *Judge David Davis*, <<http://www.oyez.org/oyez/resource/legal-entity/2714K>> (Nov. 9, 2004); Judge David Davis, *David Davis*, <<http://www.infoplease.com/ce6/people/Ao814789.html>> (Nov. 9, 2004); Leonard W. Levy, *Encyclopedia of the American Constitution*; and John J. Patrick, *Supreme Court of the United States.*]